

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1050: Public property; authorize Department of Corrections to transfer property to Department of Wildlife, Fisheries and Parks.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18        SECTION 1. (1) The Department of Corrections shall transfer  
19 to the Department of Wildlife, Fisheries and Parks certain real  
20 property located in Quitman County, Mississippi, also known as the  
21 "O'Keefe Division Lands," described more specifically as follows:

22        All Mississippi Department of Corrections lands that  
23        lie in Township 26, Range 1 West: Section 2 less  
24        the NW 1/4 and the N 1/2 of the SW 1/4, Section 3,  
25        Section 10, Section 11, Section 12, Section 13,  
26        Section 14, Section 15, Section 22, Section 23,  
27        Section 24, Section 25, Section 26 and Section 27  
28        of Quitman County, Mississippi.

29        (2) The Department of Wildlife, Fisheries and Parks shall  
30 assume all supervision, management, maintenance and control of the  
31 property described in subsection (1) of this section upon the  
32 transfer of such property.

33           (3) If any of the real property described in subsection (1)  
34 of this section is enrolled by the Mississippi Department of  
35 Corrections in the United States Department of Agriculture  
36 Wetlands Reserve Program administered by the Natural Resource  
37 Conservation Service, any funds received for the enrollment of  
38 such property in the program, regardless of whether received  
39 before or after the conveyance of the property authorized in  
40 subsection (1) of this section, shall be deposited into a special  
41 fund in the State Treasury to be used by the Mississippi  
42 Department of Corrections for the general support of the  
43 department. Unexpended amounts remaining in the special fund at  
44 the end of a fiscal year shall not lapse into the State General  
45 Fund. Any interest earned or investment earnings on amounts in  
46 the fund shall be deposited into the special fund.

47           (4) Until July 1, 2005, the Department of Wildlife,  
48 Fisheries and Parks shall transfer to the Department of  
49 Corrections for deposit into the special fund created in  
50 subsection (4) of this section all revenue received from any  
51 agriculture lease in effect on the effective date of this act to  
52 offset the reduction in agricultural lease revenue to the  
53 Department of Corrections due to the transfer of the property  
54 lands described in subsection (1) of this section.

55           SECTION 2. Section 47-5-56, Mississippi Code of 1972, is  
56 amended as follows:

57           47-5-56. The department shall lease to the Mississippi  
58 Commission on Wildlife, Fisheries and Parks for a period of twenty  
59 (20) years all timberlands in Quitman County for an annual rental  
60 of One Dollar (\$1.00). The lands so leased to the Mississippi  
61 Commission on Wildlife, Fisheries and Parks shall be used and  
62 maintained as a public game and fish management area. Proceeds  
63 from the sale of the timber or from any forest management practice

64 shall be deposited into the Lambert State Forest Revolving Fund  
65 created in Section 47-5-78. All costs associated with the  
66 management of timber shall be paid from the fund. The remaining  
67 funds shall then be deposited in the Prison Agricultural  
68 Enterprises Fund, as created in Section 47-5-66. Any timber  
69 needed in the building operations carried on by the department may  
70 be purchased by the department at a cost not to exceed the cost of  
71 the management of that timber. Upon the transfer of the real  
72 property described in Section 1 of House Bill No. 1050, 2001  
73 Regular Session, to the Department of Wildlife, Fisheries and  
74 Parks, the department and the Mississippi Department of Wildlife,  
75 Fisheries and Parks may terminate or modify, as appropriate, any  
76 lease entered into under this section regarding such property.

77 SECTION 3. Section 47-5-57, Mississippi Code of 1972, which  
78 requires a public hearing to be held before timber is cleared by  
79 the Mississippi Department of Corrections on the O'Keefe Division  
80 Lands, is repealed.

81 SECTION 4. Section 29-1-55, Mississippi Code of 1972, is  
82 amended as follows:

83 29-1-55. Where timber standing on lands is assessed to  
84 persons other than those owning the fee title to the lands, and  
85 the taxes thereon are not paid and such timber is sold to the  
86 state for nonpayment of taxes, the Secretary of State may sell and  
87 dispose of such timber rights in the same manner as he may sell  
88 and dispose of tax-forfeited lands, and the proceeds received by  
89 said Secretary of State for the sale thereof shall be divided  
90 between the state, county, levee board, and drainage district as  
91 provided by law for the disposition of the proceeds derived from  
92 the sale of tax-forfeited lands. The owner in fee of lands may  
93 purchase from the state any tax-forfeited timber rights on lands  
94 owned by him in fee, regardless of the amount of lands that he may

95 own. \* \* \*

96        SECTION 5. (1) The Board of Supervisors of Yalobusha  
97 County, Mississippi ("board of supervisors"), in its discretion,  
98 is authorized to enter into lease agreements with any corporation,  
99 partnership, limited partnership, joint venture or individual  
100 under which the board of supervisors may agree to lease a facility  
101 of any judicial district of Yalobusha County ("the county") for  
102 use by the lessor for a primary term not to exceed twenty (20)  
103 years for the purpose of acquiring, erecting, equipping,  
104 repairing, reconstructing, remodeling and enlarging county  
105 buildings, courthouses, office buildings and land therefor, and  
106 related facilities of any judicial district of the county.

107        (2) All such leases shall contain an option granting to the  
108 board of supervisors the right to purchase the leased property  
109 upon the expiration of the primary term, or upon such earlier date  
110 as may be agreed upon, at a price not to exceed the unpaid  
111 principal balance at such time.

112        (3) The board of supervisors is authorized to lease county  
113 owned real property to any corporation, partnership, limited  
114 partnership, joint venture or individual for the purpose of  
115 enabling such person to construct or renovate thereon any of the  
116 buildings or facilities described in subsection (1) of this  
117 section and to lease such buildings and facilities to the board of  
118 supervisors. No such ground lease shall be for a primary term in  
119 excess of the primary term of the lease with respect to the  
120 buildings and facilities to be constructed thereon.

121        (4) Subject to the provisions of this section, any such  
122 lease agreement may extend over any period, notwithstanding any  
123 provision or rule of law to the contrary, and any such lease  
124 agreement shall be binding upon the board of supervisors and any  
125 other party thereto in accordance with its terms. Any such lease

126 agreement may include, at the discretion of the board of  
127 supervisors, a pledge of the full faith and credit of the judicial  
128 district of the county for which the lease agreement is entered  
129 into for the payment of its monetary obligations thereunder; or  
130 may contain a provision that so long as no default of any monetary  
131 obligation of the lessee has occurred, the lessee's obligation to  
132 pay any amounts due or perform any covenants requiring or  
133 resulting in the expenditure of money shall be contingent and  
134 expressly limited to the extent of any specific appropriation made  
135 by the board of supervisors to fund such lease agreement, and that  
136 nothing contained in the lease agreement shall be construed as  
137 creating any monetary obligation on the part of the lessee beyond  
138 such current and specific appropriation. Any such appropriation  
139 shall be made using the portion of general fund revenue of the  
140 county derived from the judicial district for which a lease  
141 agreement is entered into. Obligations incurred by the board of  
142 supervisors under this section that are secured by a pledge of the  
143 full faith and credit of the judicial district for which incurred  
144 shall be included within the limitation on bonded indebtedness  
145 established by law for the judicial district.

146 (5) Before entering into any lease agreement under this  
147 section secured by a pledge of the full faith and credit of a  
148 judicial district for which the proposed lease agreement is to be  
149 entered into, the board of supervisors shall publish notice of its  
150 intention to receive suitable proposals for the leasing of such  
151 buildings, facilities or equipment. Such notice shall specify the  
152 nature of the proposed building, facility or equipment, the  
153 general geographic area in which the same is to be located, the  
154 term of the proposed lease agreement, that the obligation to pay  
155 rentals during the primary term is to be a continuing obligation  
156 of and a charge against the general credit and leasing power of

157 the judicial district for which the proposed lease agreement is to  
158 be entered into, and the date and hour on or before which such  
159 proposals may be received. Such notice shall be published by the  
160 board of supervisors in the same manner as required for publishing  
161 notice of intention to issue general obligation bonds of the  
162 county. If at least twenty percent (20%), or fifteen hundred  
163 (1500), of the qualified electors of the judicial district for  
164 which the proposed lease agreement is to be entered into,  
165 whichever is less, file a written protest with the board of  
166 supervisors, then an election shall be called by the county in the  
167 same manner as provided for the issuance of county general  
168 obligation bonds in Sections 19-9-11 through 19-9-17, Mississippi  
169 Code of 1972, to determine whether or not the proposed lease  
170 agreement may be executed by the board of supervisors. However,  
171 only qualified electors of the judicial district for which the  
172 proposed lease agreement is to be entered into may vote in such  
173 election. The lease agreement shall be advertised for competitive  
174 sealed proposals once each week for two (2) consecutive weeks in a  
175 regular newspaper published or having a general circulation in the  
176 county. The date as published for the proposal opening shall be  
177 not less than five (5) working days after the last published  
178 notice. The lease shall be awarded to the person submitting the  
179 lowest and best proposal; however, all proposals may be rejected.

180 (6) This section shall be liberally construed for the  
181 purposes set out in the section, and the powers granted in this  
182 section are additional, cumulative and supplemental to any power  
183 granted to the county by law.

184 SECTION 6. The Attorney General of the State of Mississippi  
185 shall submit Section 5 of this act, immediately upon approval by  
186 the Governor, or upon approval by the Legislature subsequent to a  
187 veto, to the Attorney General of the United States or to the

188 United States District Court for the District of Columbia in  
189 accordance with the provisions of the Voting Rights Act of 1965,  
190 as amended and extended.

191 SECTION 7. Sections 1 through 4 of this act shall take  
192 effect and be in force from and after passage. Section 5 of this  
193 act shall take effect and be in force from and after the date it  
194 is effectuated under Section 5 of the Voting Rights Act of 1965,  
195 as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO  
2 TRANSFER TO THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND  
3 PARKS CERTAIN REAL PROPERTY LOCATED IN QUITMAN COUNTY,  
4 MISSISSIPPI, ALSO KNOWN AS THE "O'KEEFE DIVISION LANDS"; TO  
5 PROVIDE FOR THE DISPOSITION OF CERTAIN REVENUES DERIVED FROM SUCH  
6 PROPERTY; TO AMEND SECTION 47-5-56, MISSISSIPPI CODE OF 1972, IN  
7 CONFORMITY THERETO; TO REPEAL SECTION 47-5-57, MISSISSIPPI CODE OF  
8 1972, WHICH REQUIRES A PUBLIC HEARING TO BE HELD BEFORE TIMBER IS  
9 CLEARED BY THE MISSISSIPPI DEPARTMENT OF CORRECTIONS ON THE  
10 O'KEEFE DIVISION LANDS; TO AMEND SECTION 29-1-55, MISSISSIPPI CODE  
11 OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE BOARD OF  
12 SUPERVISORS OF YALOBUSHA COUNTY, MISSISSIPPI, TO ENTER INTO  
13 LEASE-PURCHASE AGREEMENTS FOR THE PURPOSE OF ERECTING, EQUIPPING,  
14 REPAIRING, RECONSTRUCTING, REMODELING AND ENLARGING COUNTY  
15 BUILDINGS, COURTHOUSES, OFFICE BUILDINGS AND RELATED FACILITIES,  
16 AND THE ACQUISITION OF LAND THEREFOR; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Diane C. Peranich

**X** \_\_\_\_\_  
Sampson Jackson II

\_\_\_\_\_  
Tom Weathersby

**X** \_\_\_\_\_  
Nolan Mettetal

**X** \_\_\_\_\_  
Roger Ishee

\_\_\_\_\_  
Willie Simmons